

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BARBARA LYNNE FARMER
TX-1337337-L

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DOCKETED COMPLAINT NO.
08-039 & 08-068

AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Barbara Lynne Farmer (Respondent).

In order to conclude this matter Barbara Lynne Farmer neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Barbara Lynne Farmer is a Texas state licensed real estate appraiser, holds license number TX-1337337-L, and has been licensed by the Board during all times material to the above-noted complaint cases.
2. On or about September 12th, 2007 and October 31st, 2007, Respondent appraised real property located at 719 Reinicke, Houston, Texas 77007 ("the Reinicke property") and 24411 Bella Veneza Drive, Richmond, Texas 77469 ("the Bella property"), respectively.
3. On or about November 1st, 2007, the Complainant, Paul O'Bryan, filed a complaint with the Board regarding the Reinicke property, which was based on allegations that the Respondent had produced an appraisal report for the Reinicke property that was deficient.
4. On or about November 13th, 2007, the Complainant, James Ricks, filed a complaint with the Board regarding the Bella property, which was based on allegations that the Respondent had produced an appraisal report for the Bella property that was deficient.
4. Thereafter, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved in both complaints and Respondent was afforded an opportunity to respond to the accusations in the complaints. Respondent's responses to both complaints were received.

5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for both properties:

- a) Respondent failed to comply with the record keeping provisions of USPAP's Ethics Rule for both properties;
- b) Respondent failed to identify and report the correct site description by incorrectly reporting the site size for the Reinicke property adequately;
- c) Respondent failed to identify and report the improvements description adequately by misreporting the gross living area calculations for the Reinicke property;
- d) Respondent failed to provide a brief summary of her supporting rationale for her determination of the property's highest and best use for both properties;
- e) Respondent failed to provide support for her analysis and conclusions concerning site value for both properties, and failed to employ appropriate methods or techniques to develop a site value determination, failed to verify, analyze and reconcile the cost new of improvements, and generally failed to employ recognized methods and techniques in her cost approach analysis for the Reinicke property;
- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in her sales comparison approach for both properties;
- g) Respondent failed to analyze and report the current listing of the Reinicke property at the time of her appraisal; and,
- h) Respondent's reports for both properties contain substantial errors of omission and commission as detailed above which resulted in misleading appraisal reports for both properties which were not credible.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-5(a) & 2-2(b)(vii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have her license revoked with that revocation being fully probated under the under the following conditions:
 - i. During the entire thirty month probation period Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during the course of her period of probation within twenty days of notice of any such request;
 - ii. Respondent shall timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in the Cost Approach;
- d. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- e. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- f. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- g. Attend and complete a minimum, 7 classroom-hour course in Mortgage Fraud or Red Flags;
 - i. No examination shall be required for this course; and,
- h. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **EIGHTEEN MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518, including, but not limited to, revocation of the above-noted probation.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

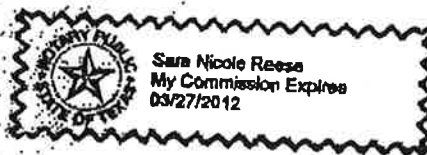
Signed this 20 day of August, 2009.

Barbara Lynne Farmer
BARBARA LYNNE FARMER


SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 20th day of August, 2009, by BARBARA LYNNE FARMER, to certify which, witness my hand and official seal.

Sara Nicole Reese
Notary Public Signature

Sara Reese
Notary Public's Printed Name



Signed by the Commissioner this 21st day of August, 2009.


Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.


Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board